

From: [Robert Werner](#)  
To: [Barbara Nann](#)  
Cc: [Stephen Tzhone](#); [Lydia Johnson](#)  
Subject: San Jacinto River Waste Pits (06ZQ) - Concerning Status of EPA Request For Access To The McGinnes 20 Acre Part of the Site.  
Date: 03/20/2009 08:34 AM  
Attachments: [San Jacinto Waste Pit - 1.jpg](#)  
[San Jacinto Waste Pit - 2.jpg](#)  
[San Jacinto Waste Pit - 3.jpg](#)  
[San Jacinto Waste pit - 4.jpg](#)  
[San Jacinto Waste pit - 5.jpg](#)  
[Property - Site Property -- 1965-08-03 -- General Warranty Deed to Virgill C. McGinnes, Trustee.pdf](#)  
[Property - Site Description - Harris County Appraisal District \(current as of 2009-03-13\).mht](#)  
[Property - Site Property -- 1965-08-03 -- General Warranty Deed to Virgill C. McGinnes, Trustee.pdf](#)  
[Corp - McGinnes Industrial Maintenance Corp - MIMC 1968 corp minutes discuss abandonment of dump site property on San Jacinto River\).pdf](#)  
[Corp - McGinnes Industrial Maintenance Corp - MIMC 1965 corp minutes discuss assignment of Champion sludge hauling contract from Ole Peterson Construction, Inc..pdf](#)

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Barbara,

**FYI Item 1:**

Per the Site team, the site's boundaries have been expanded to include an irregularly shaped circular area having an approximate +/- 1/4 mile radius in all directions from the original 20 acre site. The original 20 acre tract in the approximate center of the expanded Site area. Based upon test results, this will probably result in additional land owner PRPs.

**FYI 2:**

The as of yet unresolved question has come up concerning ownership of privately owned land along the San Jacinto River that is now submerged (part of the McGinnes 20 acre privately owned tract is now submerged). I'm awaiting response from Brenda McDonald, Real Estate Manager, Port of Houston Authority on this matter.

**FYI Item 2:**

Our 8th floor GIS people have identified separate tracts/parcels of land that are within the expanded site area. They will also identify all current owners of these tracts/parcels.

**Primary Issue:**

EPA still has not obtained access to the original McGinnes 20 acre tract of land. Because of the ongoing unresolved legal ownership issues concerning this land, Lydia has asked me to turn the access matter over to you.

Known fact to date are:

1. Harris County Appraisal District Records currently identify the owner of this property to be "**Virgil C. McGinnis**, Trustee." The Harris County data base, which as information from 1996 to the present, shows no payments of real estate tax for this



property since 1996. Property - Site Description - Harris County Appraisal District (current as of 2009-03-13).mht

2. The General Warranty Deed, recorded with the Harris County Clerk in Book 6037, Pages 352 - 356 is the most recent recorded instrument that documents ownership of this property. First page of this document identifies M. Michael Gordon and Frank F. Spata as grantors and "**Virgil C. McGinnes**, Trustee" as grantee. Names listed on the last page of this document (names **not** identified as grantor or grantee) are M. Michael Gordon, et al to **Ole Peterson Construction Company, Inc.**



Property - Site Property -- 1965-08-03 -- General Warranty Deed to Virgill C. McGinnes, Trustee.pdf

3. Concerning the current status of Virgil McGinnes (20 acre tract of land's owner of record). During a 01/22/2008 phone interview with Karen Russell (previous secretary for MIMC and now Secretary-Treasurer for Bell Bottom Foundation Co., Inc.) she told Werner that Virgil McGinnes and Rose McGinnes, Virgil's wife and later widow, are deceased.
4. The following narrative extracted from the Minutes of Organizational Meeting of The Board of Directors of MIMC, held September 3, 1965, contains the following narrative that documents MIMC had obtained an assignment from **Ole Peterson Construction Co, Inc.**, of its interest in a certain agreement to remove paper mill waste sludge from the plant site of Champion Papers, Inc., on the Houston Ship Channel in Pasadena, Texas.

RESOLVED; That this corporation obtain an assignment from **Ole Peterson Construction Company, Inc.**, of its right, title and interest in and to a certain agreement dated April 29, 1965, executed by Champion Papers, Inc., and Ole Peterson Construction Company, Inc., covering the removal of paper mill waste sludge from the plant site of Champion Papers, Inc., on the Houston Ship Channel in Pasadena, Texas, in accordance with a written assignment agreement, a copy of which is attached hereto, incorporated herein and marked Exhibit "A". The President of this corporation is duly authorized to execute all documents necessary of effectuate said assignment.



Corp - McGinnes Industrial Maintenance Corp - MIMC 1965 corp minutes discuss assignment of Champion sludge hauling contract from Ole Peterson Construction, Inc..pdf

5. The following narrative extracted from the Minutes of Special Meeting of The Board of Directors of MIMC, held August

19, 1968, contains the following narrative that documents MIMC did own property on the San Jacinto River that it had used during fiscal 1966 and part of fiscal 1967 as a dump for waste materials hauled by the corporation:

"Discussion then turned to certain real estate owned by the corporation on the San Jacinto River, which was used during fiscal 1966 and part of fiscal 1967 as a dump for waste materials hauled by the corporation. The chairman stated that during a conference with the corporation's auditors the physical status of the property was discussed. It was pointed out that the property was completely filled with waste materials and could no longer serve as a dump site. Due to its physical condition it was also regarded that the land was worthless in that it had no present sales value. Because of these factors, the corporation's auditors were instructed to eliminate the land as an asset from the corporation's books and records by writing down its stated book value from \$50,000 cost to the nominal sum of \$1. This action would be reflected in the corporation's balance sheet as of August 31, 1968. Based on the foregoing and upon motion duly made, seconded and unanimously approved...

RESOLVED, that the real estate owned by this corporation on the San Jacinto River, previously used as a dump site in connection with corporate hauling activities, be abandoned as a dump site; and that said land be eliminated as an asset from the corporation's books and records by reducing its stated book value from cost of \$50,000 to the nominal sum of \$1."



Corp - McGinnes Industrial Maintenance Corp - MIMC 1968 corp minutes discuss abandonment of dump site property on San Jacinto River).pdf

6. Status of ongoing effort by County Attorney for Harris County to assist EPA with access to the 20 acre tract of land: Mr. Bruce Mosier, Assistant County Attorney for Harris County in Houston, has not yet been advised if Harris County is willing to provide EPA with documented authorization allowing EPA's access to abandoned site property for the purpose of conducting needed remedial activities while Harris County is attempting to transfer ownership of this abandoned property from its current owner of record to a new owner of record via a tax sale.

For further discussion see below email from Bruce Mosier to Roel Garcia (Deputy Commissioner, Precinct 2, Harris County. The 20 acre tract is located in Precinct 2.



Property - Site Property -- 1965-08-03 -- General Warranty Deed to Virgill C. McGinnes, Trustee.pdf

----- Forwarded by Robert Werner/R6/USEPA/US on 03/13/2009 01:28 PM -----

**FW: San Jacinto Waste Pits**

**Mosier,** to: Robert Werner  
**Bruce**  
**(CAO)**

03/09/2009  
04:47 PM

Bob:

Sorry about this – I misspelled your name in your email address the first time I sent it out.

Bruce D. Mosier  
Assistant County Attorney

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**From:** Mosier, Bruce (CAO)  
**Sent:** Monday, March 09, 2009 4:25 PM  
**To:** Garcia, Roel (Commissioner Precinct 2)  
**Cc:** Soard, Robert (CAO); 'Weerner.Robert@epamail.epa.gov'  
**Subject:** San Jacinto Waste Pits

To: Roel Garcia  
Deputy Commissioner, Precinct 2

Harris County, Texas

Roel:

I have attached 5 pages (scanned as JPEG files) that I received as one document from Bob Werner, Environmental Protection Agency. They contain a description of the site, 2 maps, a discussion of health considerations, and more.

As I mentioned, I believe that we could use the Condemnation procedure to secure possession of the property and enter into an agreement allowing EPA the right to enter the property for the purpose of cleaning it up.

Please discuss it with Commissioner Sylvia Garcia. We'll need her agreement and her assistance in this regard.

I am sending a copy of this message to Robert Soard, Division Chief, Real Property Division, Harris County Attorney's Office and Mr. Robert Werner, my contact at EPA, to keep them informed of my suggestions and my efforts.

I look forward to hearing from you soon.

Thank you,

Bruce D. Mosier

Assistant County Attorney



San Jacinto Waste pit - 5.jpg



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San Jacinto Waste Pit - 2.jpg



San Jacinto Waste Pit - 3.jpg



San Jacinto Waste pit - 4.jpg